

D.B. CIVIL WRIT PETITION NO.2292/2006
Tilkesh & Ors. Vs. The State of Rajasthan & Ors.

Date : 04.05.2007

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE BHANWAROO KHAN

Mr. Chaitanya Gahlot for the petitioner.

Mr. M.S. Singhvi) for the respondents.

Mr.Narendra Thanvi)

Mr. L.R. Upadhyay, Dy. Government Advocate.

We have heard learned counsel for the parties.

The following reliefs have been claimed by the writ petitioner:-

“(A) Impugned Notifiations Annex.2 and 7 may kindly be declared illegal, unjust and contrary to the provisions of law and be quashed and set aside.

(B) respondents may kindly be directed not to disturb from the possession of the petitioners' property in question rather to rehabilitate them as agreed vide Annex.1.”

The primary relief claimed in the writ petition

is about the validity of Annexure 2 and 7 relating to the notifications for acquisition of the land in question. Since the very same land acquisition proceedings were subject matter of another Writ Petition No.1467/2006 which writ petition was ordered to be connected with Writ Petition No.2858/2004.

S.B. Civil Writ Petition No.1467/2006 was directed to be placed before the Division Bench considering D.B. Civil Writ Petition No.2858/2004.

Now it is a common ground between the parties that so far as writ petition No.1467/2006 challenging the acquisition proceedings is concerned the same was dismissed on 24.5.2006 and the validity of notification has been upheld by the Court. In that view of the matter, challenge to the acquisition proceedings does not survive. So far as the petitioner's claim to relief for rehabilitation is concerned that relates to the realm of award of compensation and other reliefs that may be granted on acquisition of land. Pursuit for such remedies, statute of acquisition provides separate proceedings and the same cannot be considered by way

of petition under Article 226 in the first instance. In the circumstances, no relief can be granted in this petition.

The writ petition is, accordingly, dismissed.

[BHANWAROO KHAN], J.

[RAJESH BALIA], J.

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